

# **Exhibit A**

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**From:** Feigelson, Jeremy  
**Sent:** Saturday, July 14, 2012 3:01 PM  
**To:** 'Steven Stiglitz'  
**Cc:** Weeks, William; 'Eve Wagner'; 'Anthony Sbardellati'; 'Bryan Freedman'; Keller, Bruce P.  
**Subject:** RE: Penske/Prometheus: Revised Stipulation and Protective Order

Dear Steve,

Thanks for your email. We'd suggest that, as a next step, the parties submit the draft order to the court with each side's preferred version of paragraph 4 in brackets, and a joint letter where each side briefly states its position. For the record, we'll just note our complete disagreement with the characterizations in your email. We believe our draft faithfully reflected the conversation on Wednesday, and fully and fairly addressed any reasonable concern about the order.

We agree that a full day session on Tuesday would not be appropriate. The suggestion that Prometheus's conduct of discovery limits the mediation has no merit. Penske not only has produced nothing - including the code that it deposited with the Copyright Office - but delayed until the last minute even stating its across the board objections to production. At any rate, we will be there in good faith to use the three hours as productively as possible

Enjoy the weekend. Regards -

Jeremy

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**From:** Steven Stiglitz [mailto:sstiglitz@ftllp.com]  
**Sent:** Friday, July 13, 2012 7:23 PM  
**To:** Anthony Sbardellati  
**Cc:** Feigelson, Jeremy; Weeks, William; Eve Wagner; Bryan Freedman  
**Subject:** RE: Penske/Prometheus: Revised Stipulation and Protective Order

Anthony and Jeremy,

We've reviewed the revised protective order. Unfortunately, it appears we are not going to be able to agree on the attorneys' eyes only designation. The scope of that designation in the proposed protective order is completely unlimited and includes illustrative categories that are beyond even the categories that you and Jeremy raised in our discussion on Wednesday. If we were to agree to this protective order, PMC's decision-makers would be excluded from access to the information they need to assess key issues in the case, including damages. Given the emphasis you placed on the damages issue during our conversation, your insistence on allowing such broad categories of information as attorneys' eyes only is particularly disappointing. Just as important, at this stage, Prometheus has not even produced documents that you indicated probably aren't subject to such protection, such as any written communications about the module that appeared on the THR website. As discussed, this is the reason that PMC does not want to convert the mediation into a full-day event and this is the reason that the mediation is going to have limited usefulness at this time.

Best  
Steve

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**From:** Anthony Sbardellati [mailto:[asbardellati@swattys.com](mailto:asbardellati@swattys.com)]  
**Sent:** Wednesday, July 11, 2012 8:12 PM  
**To:** Steven Stiglitz  
**Cc:** 'Feigelson, Jeremy'; Weeks, William; Eve Wagner  
**Subject:** Penske/Prometheus: Revised Stipulation and Protective Order

Steve,

As promised during our meet and confer session this afternoon, attached please find the revised Stipulation and Protective Order in redline. I believe the changes address your concerns and reflect our agreement. If you agree, let me know and I will circulate a clean copy for signature. Thank you for your cooperation in putting this matter to bed so we can proceed with discovery in this matter.

Have a nice evening and please let me know if you have any questions.

Anthony

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